

Appl. No. 10/006,612
Atty. Dkt. No.: 20.2787

required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 19-0610.

REMARKS

Drawings

Applicants acknowledge with appreciation the Examiner's approval of the proposed drawing corrections.

Copy of Papers

Applicants acknowledge with appreciation the indication that the copy of papers filed on February 13, 2002 have been placed in the record.

Claim Rejections

The Examiner rejected claims 1-8, 12, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Curtis (U.S. Patent No. 3,913,398) in view of Stewart (U.S. Patent No. 5,321,612). Claims 9-11, 13-16, and 18-21 were similarly rejected under 35 U.S.C. § 103(a) as being unpatentable over Curtis in view of Stewart and Smith (U.S. Patent No. 4,370,886). These rejections are respectfully traversed because the Examiner has failed to present a *prima facie* case of obviousness.

The Examiner predicates the above-mentioned rejections on the conclusion that Curtis teaches the recited limitations of "measuring the temperature of a sample of formation fluid at the wellbore" (as required by claims 1-11), "measuring the temperature of the formation fluid at the wellbore removed from the formation by the sink probe" (as required by claims 12-16), and "measuring the temperature of the formation fluid upon removal from the formation" (as

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required by claims 17-21). The Examiner makes reference in Curtis to lines 57-68 of column 11, lines 7-45 of column 7, lines 31-37 of column 14, lines 46-68 of column 26. *Office Action, pages 3-4.*

Applicants respectfully submit that the Examiner has misconstrued the teachings of Curtis. In each of the cited passages, a temperature measurement is made of the conditions in a borehole. See also, e.g., column 8, lines 5-8 ("apparatus for producing temperature measurements in a borehole filled with fluid"), and Figure 1. Thus, the fluid whose temperature is measured in Curtis is the fluid residing in the borehole, rather than actual *formation fluid* (as is presently claimed). The borehole fluid will be contaminated by drilling mud and/or other fluids, and will not therefore be representative of a fluid from the formation. *See, e.g., Applicants' Specification at page 7, lines 16-20.*

It therefore follows that Curtis fails to disclose the above-quoted requirements of the presently claimed invention. As such, a gap exists between the teachings of the prior art and the claims, and the obviousness rejections are not supportable. Accordingly, Applicants submits that all of the pending claims are in condition for allowance. Reconsideration of the claims, withdrawal of the rejections, and passage of the present application to issuance are respectfully requested.

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Applicant believes this reply to be fully responsive to all outstanding issues and to place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number. No new fees are believed to be due. However, if any such fees are due, please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 20.2787).

Date: 11/10/03

Respectfully submitted,

Jennie J. Salazar, Reg. No. 45,065
Schlumberger Technology Corporation
200 Gillingham Lane, MD 9
Sugar Land, TX 77478

Telephone: (281) 285-8809

Facsimile: (281) 285-8821